S.B.CRIMINAL MISC. PETITION NO.179/2006
(Shakir Ahmed Vs. State of Raj. & Anr.)

Date of order : : 18.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.P.N.Mohanani, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

By way of instant petition under Section 482 Cr.P.C. petitioner seeks direction to quash FIR No.103/2005, Police Station Abu Road for offence under Section 420, 406 IPC.

I have perused the impugned FIR. From the perusal of the FIR, it cannot be said that no cognizable offence has been committed. The allegations in the complaint prima facie satisfy the essential ingredients of the offence alleged. The police has statutory right to investigate the matter. No case is made out for quashing of FIR.

However, at the request of learned counsel for the petitioner, accused-petitioner is granted liberty to take all the objections which have been taken in this misc. Petition before the concerned Magistrate, in case, the police filed positive report.

Accordingly, the misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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